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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,151	04/12/2004	Kyu Nam Lee	LEE1P001A	4563

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EXAMINER

MORAN, KATHERINE M

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 09/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/823,151

Applicant(s)

LEE, KYU NAM

Examiner

Katherine Moran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: pg.1, line 5: insert --now abandoned-- after "10/177,581".

Appropriate correction is required.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the coupling devices (buckles implementing compression fittings, snap type fasteners, hooks or loops, a buckle having a catch or prong w/complementary holes in the belt) recited in claims 7,18, and 23 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

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of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claim 23 is objected to because of the following informalities: line 2: delete "hemisphereically" and insert --hemispherically--. Appropriate correction is required.
4. Claim 26 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The recitations of claim 26 are present in claim 23.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4, 7-10, 13-16, 18-20, and 29-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Young (U.S. 5,657,491) Young discloses the invention as

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claimed. Young teaches headwear 10 comprising a crown 15 and a fastening mechanism having two coupling devices 21 in the form of snap type fasteners coupled to the crown via fixing bands 18,19, and a belt 20 detachably coupled to the coupling devices. The belt 20 is resiliently, but not significantly elastic, since the belt and fixing bands are both formed from plastic, with the belt including a terry cloth comfort liner. Column 4, lines 35-37 disclose that the strap may include indicia. The fixing bands extend between the coupling devices and the crown and are positionable between a retracted and an extended position in that the bands could be folded towards the inside of the crown so as to be hidden from view. The ends of the fixing bands are not visible and appear to be held within the crown.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6, 11, 12, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young '491 in view of Armstrong (U.S. 5,584,076). Young discloses the invention substantially as claimed. However, Young doesn't teach fixing bands extend from pockets formed in the crown or that the coupling devices are buckles. Armstrong '076 teaches a removable belt band 20 attached to a cap 10 by hook and loop 88 at the first and second ends of the rim region (Figure 5) or by buckles. The rim

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region includes pockets 38 for receiving free ends of the belt band. Armstrong teaches that various fastening means including hook and loop and buckles (col. 4, lines 20-26) are equivalent in the art. Therefore, it would have been obvious to one of ordinary skill in the art to provide Young's rim region with pockets such that the overall aesthetics of the cap are improved since there are no belt or strap ends hanging from the rear cap area. It also would have been obvious to substitute the fastening means of Young with the buckles as taught by Armstrong, because buckles are secure fasteners which readily allow for selective adjustment by the user.

9. Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young '491 in view of Proctor (U.S. 5,771,493). Young discloses the invention substantially as claimed. However, Young doesn't teach a second belt. Proctor teaches headgear which is customized to allow for interchanging belts 76,168,214 having various decorative designs. Therefore, it would have been obvious to one of ordinary skill in the art to provide Young's headwear with an interchangeable belt as taught by Proctor so that a wearer may customize the headwear's appearance as desired.

10. Claims 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young '491 in view of Armstrong '076 and Proctor '493. Young discloses the invention substantially as claimed. However, Young doesn't teach a second belt detachably coupleable to the coupling devices or pockets formed in the crown. Armstrong teaches pockets formed in the crown and Proctor teaches a second belt, as discussed above.

Conclusion

11. The prior art made of record on the attached PTO-892, and not relied upon, is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications should be directed to Primary Examiner Katherine Moran at (571) 272-4990. The examiner can be reached on Monday-Thursday from 8:30 am to 6:00 pm, and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert, may be reached at (571) 272-4983. The official and after final fax number for the organization where this application is assigned is (571) 273-8300. General information regarding this application may be obtained by contacting the Group Receptionist at (571) 272-3700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kmm

September 9, 2005



Katherine Moran

Primary Examiner, AU 3765